

CITY OF VANCOUVERSPECIAL COUNCIL - MAY 27, 1976PUBLIC HEARING

A Special Meeting of the Council of the City of Vancouver was held on Thursday, May 27, 1976, at 7:30 p.m. in the Council Chamber, third floor, City Hall, for the purpose of holding a Public Hearing to amend the Zoning and Development By-law.

PRESENT: Mayor Phillips

Aldermen Bird, Bowers, Boyce, Cowie, Harcourt, Kennedy, Rankin and Volrich

ABSENT: Alderman Marzari (Leave of Absence)

Alderman Sweeney

CLERK TO THE COUNCIL: M. KinsellaCOMMITTEE OF THE WHOLE

MOVED by Ald. Bowers,  
SECONDED by Ald. Bird,

THAT this Council resolve itself into Committee of the Whole, Mayor Phillips in the Chair, to consider proposed amendments to the Zoning and Development By-law.

- CARRIED UNANIMOUSLY

1. Building Lines:  
Point Grey Road

An application was received from the Director of Planning to amend the Zoning and Development By-law No. 3575, to make all necessary amendments to Section 14 'BUILDING LINES' and Schedule E 'BUILDING LINES' to establish a building line on the properties lying on the North side of Point Grey Road between Balsam Street and Alma Street, controlling all developments lying northward thereof.

The Director of Planning has made the application pursuant to Council's resolution of March 9, 1976, as follows:

"THAT the Director of Planning make application to amend the Zoning and Development By-Law and the Director of Legal Services prepare a draft By-Law amendment to establish a building line on the North side of Point Grey Road in accordance with the proposals from the Planning Department to the Planning and Development Committee on February 17, 1976, except that the rear building line of the 3500 Block Point Grey Road be curved with the centre of the line at least 40 feet back from the previously proposed building line for that Block.

THAT the City Manager report back on the feasibility of the City conducting a ground survey of 3513 and 3553 Point Grey Road."

The application was approved by the Director of Planning and the Vancouver City Planning Commission considered the application on May 20, 1976, and resolved:

"We recognize the principle and recommend adopting the amendments to establish a building line on the properties lying on the North side of Point Grey Road and further recommend that specific reconsideration be given in the area of Lots 7-16, Block 3, D.L. 540 because of the apparent and potential inequities that may cause problems for these property owners."

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**Building Lines:**

**Point Grey Road (cont'd)**

Ms. J. Hvlach, Kitsilano Area Planning, explained the rationale behind the proposed building line to Council. She indicated, by means of a map posted in the Chamber, that the Planning Department was now recommending a revised building line for the 3500 Block Point Grey Road based on recently received survey information. This proposed building line was outlined in green on the posted map. Ms. Hvlach also reviewed the history of this matter for Council's information.

Delegations were heard as follows:

- Mrs. May Brown, Chairman of the Vancouver Park Board, addressed Council and submitted a brief which recommended for Council consideration:

"That a new building line be established along the northern building wall of existing residences, thus ensuring no further development beyond what exists.

That any existing residences situated significantly beyond the mean line struck be designated as non-conforming.

That regulations be included as part of the by-law to control the nature and extent of sun decks and any works effecting the cliff edge and beach area."

- Mrs. Margery Dallas addressed Council on behalf of a majority of residents of the 3500 Block Point Grey Road opposing the building line proposed by the Planning Department for this block. She stated the residents of the 3500 Block agreed to keep their building line on a straight line between the houses already built and requested that the City handle each individual building application from the residents of Point Grey Road on an individual basis.

- Dr. H. Mallek, Chairman, Point Grey Road North Side and Cameron Avenue Association and Chairman of the Kitsilano Planning Board addressed Council and indicated that he concurs with the statements made by the previous speaker, Mrs. Dallas. He advised Council that the property owners of Point Grey North Side, at a recent meeting, passed the following two resolutions:

"That the 'red line' in the 3500 Block be abandoned and be replaced by a line joining the north-west corner of the house (not porch) at Lot 16 known as 3513 Point Grey Road, to the north-east corner of the house (not porch) on Lot 19 known as 3553 Point Grey Road.

(Carried with Mrs. Buzzard opposed)

That the 'red line' for the rest of the properties on the north side of Point Grey Road be eliminated and that the northern building line be governed by Reg. Plan #229.

(Carried Unanimously)."

- Mr. H. Symons, 2875 Point Grey Road objected to the new building line. If he was limited to the use of only half his lot, it followed that the value of the lot could be halved.

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Building Lines:

Point Grey Road (cont'd)

- Mr. Ian Bain, 2726 Wallace, of the Sierra Club of B.C., stated building over the cliff and concreting the slope posed a threat to the unique environmental qualities of the area with its variety of plant life, many species of birds and sea creatures. Council would have to decide whether to introduce regulations to save the area or leave it and let the encroaching structures destroy it.
- Mr. Ashton, speaking on behalf of Mr. John Rusin, 3537 Point Grey Road, referred to an outstanding building permit application for renovations and a sundeck held up by uncertainty over the building line. He favoured the line remaining unchanged.
- Mrs. R. Buzzard, 2151 McMullan, addressed Council and filed a brief supporting the original Council resolution that the building line be curved with the centre of the line at least 40 feet back from the previously proposed building line for that block.

(At this point in the proceedings, Alderman Rankin left the meeting)

- Mr. Dick Vogel spoke on behalf of Mrs. Buzzard and supported her position.
- Mr. W.W. Southam, 3553 Point Grey Road, supported Mrs. Dallas' brief. To make existing properties non-conforming retroactively, would be unfair to property owners.
- Dr. D. Simpson, 3555 Point Grey Road, spoke in favour of the position taken by Mrs. Dallas and Dr. Mallek and described the proposed building line as an infringement on the rights of the property owners.
- Mr. Peter Wardle, 2883 Point Grey Road stated he was involved in designing a house for a unique 20 foot lot in the 2800 Block Point Grey Road for Dr. Simpson, however, the project had been held up by a freeze on development.
- Mr. E. Ratsoy, 3537 Point Grey Road, urged a reasonable setback of 40 feet and the preservation of the cliff in its natural state. He could not conceive anything more undesirable than 10 houses cantilevered over a bank, reducing sunlight on the beach below.
- Dr. D. Telford, 3519 Point Grey Road, suggested that if houses built to the edge of the bank were obliged to be stepped back above a prescribed height, it would help this situation. Three-storey structures were not desirable and his own home would be low profile.
- Mrs. M. Pigott, on behalf of Save Our Parkland Association, supported the Park Board's position and urged that nothing be built that would inhibit the future use of the area as a park.
- Commissioner Theo DuMoulin, Park Board, also spoke in favour of the Park Board's brief and questioned the propriety of setting any building lines when it appeared the northern boundary lines had not been legally established.
- Mr. Otto Dallas, 3527 Point Grey Road, advised that a few months ago, he was in favour of keeping the lot line back, but he had now changed his stance and would favour the establishment of the 'red line'.

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Building Lines:

Point Grey Road (cont'd)

MOVED by Ald. Bowers,

THAT the application of the Director of Planning be approved, subject to the plan presented with the draft by-law being amended in accordance with the green line (which relates to the 3500 Block Point Grey Road) shown on the map posted by the Director of Planning at this Public Hearing; except that the said green building line be amended by extending the line from the east boundary of Lot 12 to end at the north-west corner of the building on Lot 15;

FURTHER THAT the draft by-law be amended as recommended by the Director of Legal Services as follows:

(1) by adding the following as Subsection (3) of Section 14:

"(3) No development shall be carried out upon, over or under any part of a site:

(a) between any building line established by Parts I and II of Schedule E and the limit of the adjoining or projected street or lane;

(b) as described in Part III of Schedule E;

except as provided for under Sections 5, 6 and 9  
(2) of Schedule A to this by-law."

(2) by inserting the following words after the word "the" in Subsection (1) Part III of Schedule E:

"northerly portions of".

- CARRIED UNANIMOUSLY

MOVED by Ald. Volrich in amendment,

THAT the building line for the 3500 Block Point Grey Road between Lots 9 to 16, be determined according to the curvatures of the cliff bank.

- LOST

(Aldermen Bird, Bowers, Boyce, Cowie, Harcourt and the Mayor opposed)

MOVED by Ald. Harcourt in amendment,

THAT the north-west building line of the 3500 Block Point Grey Road be amended by extending the green line shown on the map posted by the Director of Planning in a straight line from the north-west corner of Lot 11 to the north-west corner of Lot 7.

- LOST

(Aldermen Bird, Bowers, Cowie, Kennedy, Volrich and the Mayor opposed)

The motions to amend having lost, the motion by Alderman Bowers was put and CARRIED UNANIMOUSLY.

COMMITTEE OF THE WHOLE

MOVED by Ald. Harcourt,

THAT the Committee of the Whole rise and report.

- CARRIED UNANIMOUSLY

MOVED by Ald. Harcourt,  
SECONDED by Ald. Bird,

THAT the report of the Committee of the Whole be adopted and the Director of Legal Services in instructed to prepare and bring in the necessary amendments to the Zoning and Development By-law.

- CARRIED UNANIMOUSLY

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The Council adjourned at approximately 9:15 p.m.

The foregoing are Minutes of the Special Council Meeting  
(Public Hearing) of May 27, 1976, adopted on June 1, 1976.

A. Phillips  
MAYOR

E.M. Litt  
CITY CLERK